



Security Council

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**Letter dated 18 March 2008 from the Secretary-General addressed
to the President of the Security Council**

Pursuant to the Security Council resolution 1031 (1995), I have the honour to convey the attached letter, dated 3 March 2008, which I received from the High Representative for the Common Foreign and Security Policy of the European Union, transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2007 (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Ban Ki-moon

Annex

Letter dated 3 March 2008 from the Secretary-General and High Representative of the Council of the European Union addressed to the Secretary-General

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I attach a report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2007. This report marks the end of the first follow-on mission.

On 19 November 2007, the Council of the European Union adopted Joint Action 2007/749/CFSP providing for a second extension of the Mission's mandate until 31 December 2009 following the invitation of the Bosnia and Herzegovina authorities to continue its activities.

Although considerable achievements have been made since the initial launch of the Mission on 1 January 2003, effective results in the fight against organized crime and in the establishment of key State law enforcement agencies such as the Border Police of the State Investigation and Protection Agency are a long-term endeavour. The recent arrests of prominent figures allegedly involved in organized crime activities represent, however, a significant breakthrough.

The adoption of the Mostar Declaration in October 2007 by the Bosnia and Herzegovina authorities will furthermore pave the way for police reform, the implementation of which has been stalled over the last three years in the absence of political agreement among the stakeholders.

Under its renewed mandate, the Mission will therefore continue to focus on a concrete operational approach while further reaching out to the judiciary and, in particular, the prosecutors. Improved cooperation between police forces and the prosecutors' offices is a critical factor in the fight against organized crime and other forms of serious crime.

The Mission will also assist the domestic authorities in the implementation of police reform, contributing in particular to the harmonization of their laws on police officials and on internal affairs.

I propose to provide the Security Council with a written update on the progress of the Mission. I should be grateful if you would transmit the enclosed report to the President of the Security Council.

(Signed) Javier Solana

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2007

Introduction

1. The European Union Police Mission is the first operation undertaken under the European Security and Defence Policy. Initially with a three-year mandate starting on 1 January 2003, the Council decided in November 2005 to extend the Mission from 1 January 2006 to 31 December 2007 with a refocused mandate. In view of the remaining challenges, the Secretary-General/High Representative had recommended an extension of the Mission for another two years at its current strength, organization and mandate during the reporting period. With Joint Action 2007/749/CFSP of 9 November 2007, the Council decided on another extension, until 31 December 2009, in view of a possible transfer of Mission activities to community assistance after 2009. Brigadier General Vincenzo Coppola (Italy) was Head of Mission during the reporting period. The Council extended his appointment until 31 December 2008.

2. The European Union Police Mission aims through monitoring, mentoring and inspecting to establish in Bosnia and Herzegovina a sustainable, professional and multi-ethnic police service operating in accordance with European and international standards. The Mission benefits from the local political guidance and coordination of the European Union Special Representative. The Mission contributes to the stabilization and association process with the goal of setting Bosnia and Herzegovina irreversibly on track for European Union membership by strengthening the rule of law and developing an effective and accountable police service free from undue political interference.

Staffing and methodology

3. On 31 December 2007 the Mission had 421 staff (173 international police officers, 28 international civilian experts and 220 national staff). All 27 EU member States contribute to the Mission as well as six non-EU countries. The Mission takes due account of Security Council resolution 1325 (2000) on women and peace and security in all its activities, as well as the EU operational paper on practical measures for taking work forward on resolution 1325 (2000) in the context of the European Security and Defence Policy.

4. The Mission reviewed its structure and priorities in order to increase its effectiveness in assisting the Bosnia and Herzegovina police in the fight against organized crime. It also completed an assessment of organized crime as part of its regular review process.

General situation

5. On 1 July, Miroslav Lajcak took over from Christian Schwarz-Schilling as European Union Special Representative and High Representative of the international community.

6. The ruling of the International Court of Justice on the genocide in Srebrenica continued to dominate, during the summer, the political debate, in particular the demands by Bosniak politicians for a special status for that municipality. The strong engagement of the international community, including the appointment of United States Ambassador Clifford Bond as envoy of the European Union Special Representative and High Representative, contributed to reducing tensions in the Srebrenica region. On 25 June, the High Representative issued a Decision Enacting the Law on the Centre for the Srebrenica-Potocari Memorial and Cemetery for the Victims of the 1995 Genocide, which, inter alia, obligates Bosnia and Herzegovina to provide protection through the State Investigation and Protection Agency, thus removing the municipality from the exclusive competence of the Republika Srpska police. Furthermore, the Mission advised on the appointment of Bosniak Deputy Station Commanders in Srebrenica, Bratunac and Vlasenica. On 10 July, the High Representative took a decision leading to the suspension by the Republika Srpska authorities of 36 police officers under investigation by the Bosnia and Herzegovina State Prosecutor for alleged involvement in war crimes, among them the former Director of the Republika Srpska police, Dragomir Andan. Despite these developments, the Republika Srpska police, together with the State Investigation and Protection Agency, the police of the Federation, the Border Police and the police of Tuzla Canton, took all necessary measures to provide a safe environment for thousands of people who travelled to and attended the various commemoration events in the area of Srebrenica around 11 July, marking the anniversary of the tragic events. The Mission praised the Republika Srpska police and the cooperation and coordination between the different police services.

7. In September, the Special Representative/High Representative submitted to the political parties, after consultations with the Mission, his draft protocol on meeting the police reform requirements necessary for initiating and signing a Stabilization and Association Agreement, which constituted the basis for political negotiations. Five rounds of technical talks with representatives of the six Government parties (HDZ, BiH, HDZ 1990, PDP, SBiH, SDA and SNSD) and the two opposition parties (SDP and SDS) were organized and chaired by the office of the Special Representative/High Representative with the Mission in an observer capacity.

8. After several rounds of negotiations, the six main political parties eventually adopted on 28 October the Mostar Declaration on police restructuring, endorsing the three EU principles. The Declaration also included the acknowledgement that certain questions pertaining to police restructuring can only be solved in the context of broader constitutional reform. The Declaration also entailed an agreement to adopt two State laws, a law on police officials and a law on the Bosnia and Herzegovina police service. Bosnia and Herzegovina leaders subsequently agreed on 22 November on the Sarajevo action plan for police reform, which included a clear political commitment to deliver, as well as a timetable for concrete institutional steps. These were welcomed as positive developments, and the European Commission assessed that sufficient progress had been made to initial the Stabilization and Association Agreement on 4 December 2007 in Sarajevo.

9. The Council of Ministers subsequently set up a working group to draft legislation for the implementation of police reform. The working group held its first sessions on 18 and 27 December. Representatives of the Mission and the Special Representative/High Representative attended as observers and will monitor progress.

The draft legislation is expected to be submitted by the Council of Ministers for enactment by 15 February 2008.

10. This outcome was preceded by a political crisis resulting by the end of October in the resignation of the Chairman of the Council of Ministers, Nikola Spiric (SNSD), and in a stalemate in the work of the Bosnia and Herzegovina Council of Ministers. The Special Representative/High Representative engaged intensively with Bosnia and Herzegovina political actors to defuse the crisis while upholding his imposed measures of 19 October (on the efficient work of the Council of Ministers and the Bosnia and Herzegovina Parliament). This engagement led to a turnaround in the political atmosphere on 30 November, when both houses of the Bosnia and Herzegovina Parliamentary Assembly adopted amendments to their rules of procedure which met the criteria specified by the High Representative. Parallel consultations were held with Republika Srpska representatives to solve Republika Srpska concerns pertaining to the High Representative's decision on the functioning of the Council of Ministers. On 3 December, the High Representative enacted an Authentic Interpretation on the Law on Changes and Amendments to the Law of the Council of Members. The Authentic Interpretation clarified the amendments on 19 October and addressed specific concerns of Republika Srpska political authorities. The same day, the Council of Members adopted the Mostar Declaration of 28 October and the action plan on police reform of 22 November, paving the way for the initialling of the Stabilization and Association Agreement. On 11 December, the governing parties reached an agreement in Laktasi (Republika Srpska) on several outstanding political issues, including the prompt reappointment of the Council of Members with an identical composition.

Achievements during the reporting period

1. Support to the police restructuring process

11. Against the backdrop of the political process, the Mission has continued to differentiate between the police restructuring process and police reform efforts, police restructuring being the institutional process linked to the constitutional reforms, while police reform covers technical measures that may be implemented ahead of the police restructuring process. As previously indicated, the Mission was actively involved throughout the negotiation process surrounding police reform.

Harmonization and coordination within the existing structures

12. To facilitate the police restructuring process, the Mission continued to support and advise on the implementation and harmonization of the legal and regulatory framework at State, entity, cantonal and Breko District levels. The Mission continued its engagement with senior police management and with Ministers of the Interior at all levels to improve existing police structures and legislation. Many of the recommendations step from the Mission's main priority to support the fight against major and organized crime.

13. The Mission developed concepts on the independent selection and review boards, an improved internal structure of the State Investigation and Protection Agency and, in particular, the integration of the INTERPOL Office into the Agency as the International Police Cooperation Department.

14. Since July, the Mission has promoted the development of a Bosnia and Herzegovina-wide collective agreement between police employers and trade unions. A collective agreement for all levels and in particular for the State Investigation and Protection Agency and the Border Police has been drafted by representatives of all trade unions.

15. The Mission, in coordination with the Special Representative/Office of the High Representative and EUFOR, continued to monitor and raise serious concerns about the decision of the Republika Srpska Government to establish a Public Company for the Security of Persons and Property of Republika Srpska. Following the intervention of the Head of Mission, the Republika Srpska Minister of the Interior agreed on the participation of the Mission, EUFOR and the Special Representative/Office of the High Representative in the drafting of the statute of the company. However, the Working Group established by the Republika Srpska Government could not overcome the concerns raised by the international community in particular on the role, remit and size of the company.

16. These concerns were brought to the attention of the Republika Srpska Minister of the Interior and presented by the Mission to the Bosnia and Herzegovina authorities during the European Commission reform process monitoring session on 5 July 2007. The Mission, the Special Representative/High Representative and EUFOR requested Republika Srpska to suspend this initiative until the outcome of the police restructuring process. Only then would it be possible to evaluate how such a company would fit into the security sector in Bosnia and Herzegovina. The Mission's recommendations to put on hold the Republika Srpska initiative were underpinned by findings made through a comparative analysis of the private security sector in Bosnia and Herzegovina.

2. Support to the fight against organized crime

17. The Mission's advice on the planning and conduct of investigations and operations remained focused on the 20 main "targets". At Mission level, the anti-organized crime department coordinated and tracked progress. Success and monitoring indicators include police-prosecution aspects such as the opening of indictments and the final verdict by the judiciary.

18. The Mission's work continued to be supported by the Mission-led EU Coordination Board. The Board met at least every two weeks and included representatives of the office of the Special Representative, EUFOR, the Special Department for Organized Crime of the Office of the State Prosecutor, the EU Customs and Fiscal Assistance Office, the European Commission delegation and the Office of the High Representative. The Mission-EUFOR common operational guidelines were reviewed in October 2007 and continued to be a solid and well-functioning basis for operational coordination and cooperation. Their next review is due by the end of April 2008.

19. The Mission also puts an emphasis on international police cooperation aspects, in particular by assisting the Bosnia and Herzegovina authorities in the implementation of the strategic agreement with Europol as well as other EU mechanisms.

Police-prosecution relations

20. The professional relations between police and prosecutors still need further improvement at all levels of jurisdiction. Although basic communication and cooperation problems still occur, the Mission continued to identify positive developments. An increasing number of regular contacts, working meetings and case-based consultations have been established. The Mission has noted an increase in jointly established and developed investigative strategies and operational plans as well as target-oriented investigative approaches. To date, these investigative elements have however lacked the necessary expertise on both the prosecutors' and the police side. However, with mentoring from the Mission steady improvements have been observed.

21. The key problems continue to be the lack of a clear and shared understanding about the respective roles, rights and obligations of prosecutors and police in accordance with the criminal procedure legislation. As a result, both partners lack initiative in their respective fields of investigative competencies.

22. The Mission advised improving these formal aspects of the investigations. In order to enhance the process of adaptation to the new criminal legal and procedural system, the Mission continued to promote relevant joint police/prosecutor training modules through local judicial training institutions and supported joint training initiatives.

23. The Mission organized and facilitated three police/prosecutor seminars as follow-up events to the Bosnia and Herzegovina Conference on Police/Prosecutors' Cooperation held in May 2007. The seminars consisted of selected police and prosecutorial experts focusing on general formal aspects of investigations, integrated financial investigations and special investigative measures. The Mission is working on these issues in close cooperation with the Special Representative, as foreseen in his mandate.

Police certification

24. In July, the Office of the High Representative made a presentation to the Police Steering Board on the letter dated 30 April 2007 from the President of the Security Council on de-certified police officers. The Police Steering Board subsequently released a press statement indicating its readiness to further explain the provisions of the letter to individuals denied certification by the International Police Task Force. The letter has been forwarded for direct implementation to all law enforcement agencies in the country. Copies of the letter were also distributed and discussed at the meeting of Federation police commissioners held on 26 July. On 16 August, the Federation Minister of the Interior and the Police Director forwarded model amendments to the Law on Police Officials to cantonal Ministries of the Interior and police commissioners in order to initiate legal procedures for their adoption in cantonal assemblies, while amendments are also awaiting adoption at the Federation level. These amendments should enable former police officers denied certification by the International Police Task Force to apply for vacant positions in law enforcement agencies in Bosnia and Herzegovina, under the conditions defined in the letter from the President of the Security Council.

25. At State level, the amendments are still under consideration. In Republika Srpska, the amendments were incorporated into the draft law on police officials which has still to be finalized. In Breko, the amendments were adopted.

3. Strengthening internal/external control, inspection and accountability of the police

26. Attempts at political interference in police work persisted. At several junctures the Mission had also to address demands for national balance in senior police management, while encouraging the domestic owners of the process to accept the basic principle that professional criteria should prevail in police matters.

27. In the Federation, the relations between the Minister and the Director of Police have normalized following the appointment of a new Minister. This in turn triggered the inclusion of the Federation Minister and all cantonal Ministers of the Interior in regular monthly meetings with all police commissioners.

28. Cantonal Ministers have proved themselves to be constructive partners at those meetings. The Mission recognized a need to clarify the role of ministers in the appointment, assessment and removal of police commissioners. To further strengthen accountability, the Mission launched a thorough update of the existing cantonal laws on internal affairs in partnership with local police representatives.

29. During the reporting period, the Mission's inspection teams concluded two audits relating to the storage by the police of seized weapons and seized drugs. A preliminary audit was conducted to collect and study the actual legislation regulating the matter. After this first step, a number of inspections were made in the Federation and Republika Srpska during visits to several police stations to verify how the police services are dealing with drugs and weapons after their seizure. Preliminary results show certain practical problems related to the lack of cooperation with the Courts, which fail to order the destruction of the seized items. The storage areas are often inadequate, either insecure or with weapons and ammunitions stored together.

Independent Selection and Review Board

30. On 24 July, the Working Group of the Federation Parliament's Commission for selection and appointments finalized the selection process for the Federation Independent Selection and Review Board, proposing the appointment of seven candidates (3 Bosniaks, 2 Croats, 1 Serb and 1 other). On 25 July, the Federation House of Representatives appointed the proposed candidates, and the House of Peoples followed on 26 July.

31. The Working Group fully accepted the concerns of the Mission and the Office of the High Representative about two candidates. It is encouraging that the protracted process of selection and appointment of the new Federation Independent Selection and Review Board is finally completed; however, the new Board will immediately have to deal with several highly complex and sensitive issues around the status of the current Federation Director of Police and the selection of a new Director of Police.

32. The Mission reviewed the latest version of the draft concept paper on the Independent Selection and Review Board. This version included all detailed elements of the foreseen new selection and appointment system. Mainly it suggests

modifying the role of the Board in order to grant more authority to the Minister and the Government in the appointment of the police chiefs.

33. In comparison with the current system, the draft concept paper suggests a compromise introducing a division of responsibilities between the Independent Selection and Review Board, the Minister and the Government during the different phases of the selection and the appointment process.

4. Further support to the development of the State Investigation and Protection Agency and the Border Police

34. The State Investigation and Protection Agency was established as the main authority to investigate crimes designated by the State Prosecutor. It is still a young police agency which was established in 2003. At the moment the investigation departments are understaffed, owing to the priority in staffing given to the protection department. Management posts are mainly filled, but the Agency is still short of operational investigators, which leads to operational difficulties when conducting investigations. In short, technical and legal issues often affect their capabilities and capacity.

35. The State Investigation and Protection Agency, with the assistance of the Mission and the Office of the High Representative, has managed to secure the necessary funds to go ahead with the construction of the new Mission headquarters building in 2008 and 2009. The 2008 budget request negotiated with the Ministry of Finance and Treasury has been significantly increased. It will allow the Agency to advance in its full establishment through further staffing and purchase of equipment. Funds for special purpose expenditures will also be provided to informant handling and witness protection expenditures.

36. During the period under review, the selection of a new Director and other senior officials has been marked by certain political difficulties. In September, the Mission, the Office of the High Representative and the United States Embassy agreed that the Minister of Security should be urged to request that the relevant selection commission relaunch the selection process for the Agency Director, as the first round failed to generate a sufficiently broad pool of suitable candidates. At its session on 27 December, the Bosnia and Herzegovina Council of Ministers eventually appointed, out of five eligible candidates, Mirko Lujic (former head of the Agency's Department for Operational Support, Serb) as Director.

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Letter dated 20 March 2008 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council

I write to draw your attention to recent terrorist activity and violations carried out against Israel, as well as relevant developments in the region, in connection with the briefing and debate on the Middle East, scheduled for 25 March 2008.

Situation along the Gaza Strip

Since the last briefing, Qassam rocket and mortar fire by Palestinian terrorists in the Gaza Strip has escalated, causing heavy casualties and damage to the civilian population in southern towns and cities, including Sderot and Ashkelon. One civilian was killed, and countless others were injured from the more than 300 rockets — including Grad, Qassam, and mortars — fired.

In particular, from 24 February to 3 March, Hamas launched over 200 rocket attacks, at least 23 of them Iranian-made Grad rockets that hit the city of Ashkelon, a city with a population of 120,000. The Grad rockets have ranges between 20 to 40 kilometres, with a payload of 18 kg. With a longer range, larger warhead, and fragmentation on impact, a Grad rocket can cause greater damage and loss of life and injury. Hamas' upgraded capabilities now place a quarter of a million Israeli civilians in constant danger. The 122-mm Grad rockets fired at Ashkelon were manufactured in Iran and smuggled into the Gaza Strip by Hamas when the border fence between Gaza and Egypt was breached two months ago.

On 27 February, Mr. Roni Yihye, a 47-year-old father of four, was murdered by a Qassam rocket, while at Sapir College in Sderot. No less than 22 Qassam rockets were fired that day. One barrage included 11 rockets, which were launched successively in a span of five minutes.

The following day, 28 February, Hamas fired some 10 Grad rockets at Ashkelon, located 17 kilometres from the Gaza Strip. One hit an apartment building, slicing through the roof and three floors below, and another landed near a school, wounding a 17-year-old girl. Close to 90 rockets were fired by Hamas in a two-day span.

On 5 March, Palestinian terrorists fired 14 rockets into Israel. In the morning, three rockets were fired at the western Negev, and another two hit near a kibbutz south of Ashkelon.



Though there has been a gradual decrease in rocket fire since the escalation, during the week of 4 March, 26 rocket hits were identified in Israeli territory, with more than 20 mortar shells fired at Israeli population centres. On 13 and 14 March, more than 40 Qassam rockets were fired.

Hamas terrorists still hold Corporal Gilad Shalit captive. Since he was kidnapped on 25 June 2006, Hamas has refused to allow the Red Cross or any other humanitarian agency to visit him and verify his condition. The refusal to provide details regarding Gilad Shalit's condition is greatly alarming.

As mentioned in previous letters, the smuggling of weapons, money, and other illegal munitions into the Gaza Strip continues. Hamas uses tunnels, burrowed deep beneath the ground, to move weapons into the Gaza Strip, turning the area into a launching pad for more attacks.

Israel has made clear — in words and in deeds — that it will do everything possible to ensure the humanitarian needs of all civilian populations. In contrast, Hamas cynically fires on the crossing points, forcing closures and delays, and abuses humanitarian convoys and corridors. Hamas bears sole responsibility for the escalation of violence, having turned the Gaza Strip into a stronghold of terror. Hamas is fully responsible for threatening Israeli civilians with its indiscriminate rocket attacks, as well as endangering Palestinians by launching attacks and conducting operations from within civilian areas.

From 27 February to 14 March, more than 20,000 tons of humanitarian aid and supplies entered the Gaza Strip, transported on over 1,600 trucks and fuel and oil tankers. The above data covers the period of time when Hamas greatly increased the severity and intensity of its rocket attacks. Similarly, since the Hamas takeover of the Gaza Strip in June 2007, a total of 13,144 patients have crossed into Israel for treatment. As the facts on the ground continue to demonstrate, Israel works closely with the relevant United Nations and humanitarian agencies on the ground to meet the needs of the civilian population.

Terrorist attacks carried out against Israel

Terrorist organizations in the region, with the backing and support of States like Iran and Syria, continue to carry out acts of violence and terrorism against Israeli civilians. My delegation has underscored time and again that Syria and Iran blatantly violate international law, specifically Security Council resolution 1373 (2001), as they host terrorist organizations within their borders. Syria serves as headquarters for numerous terrorist organizations, including Hamas and Islamic Jihad, where Khaled Mashaal and Ramadan Abdullah, their respective leaders, both reside.

Furthermore, last week, a Hamas commander said his terrorist organization had been sending fighters to Iran for training in tactics and weapons technology ever since Israel disengaged from the Gaza Strip in 2005. Others go to Syria for more basic training. "We have sent seven 'courses' of our fighters to Iran", the commander told the United Kingdom's *Sunday Times*. They first travelled to Egypt, flew to Syria, and then to Tehran. According to the commander, a further 650 Hamas fighters have trained in Syria under instructors who learned their techniques in Iran. Sixty-two are in Syria now. He said Hamas was modelling itself on Hizbullah.

The grave threat and reality posed by the extremists can be seen in the gruesome and vicious terrorist attack, carried out by a Palestinian terrorist, on 6 March, in Jerusalem. The terrorist infiltrated the Mercaz Harav yeshiva (rabbinical seminary) and opened fire on a crowded library and study hall, killing eight young men. Eleven others were wounded during the attack. This cold and callous terrorist attack took place just footsteps away from the seat of the Israeli Government and our most cherished religious, educational, and cultural institutions.

On 18 March, a rabbi at the Ateret Kohanim yeshiva was stabbed in the Old City of Jerusalem.

Bilateral process

As evidenced in this letter, Palestinian terrorism remains the greatest obstacle to peace and security in the region. The Palestinian leadership must stop the violence, dismantle the terrorist infrastructure, end the cycle of impunity, and bring the terrorists to justice.

Israel remains committed to the bilateral process with the moderate, legitimate Palestinian Authority leadership that embraces its responsibilities and the vision of two States living side-by-side in peace and security. Despite the escalation of terrorist rocket attacks, Israeli leaders have continued to meet with their moderate Palestinian counterparts and move forward on negotiations. The first trilateral meeting with Lieutenant General William Fraser and the Palestinian Authority and Israel took place last week. Similarly, the IDF Civil Administration hosted a one-day symposium with its Palestinian counterparts, bringing together all of the officials that coordinate civilian and defence issues between Israel and the Palestinian Authority. While Israeli and Palestinian leaders have been meeting regularly, this gathering marked the first time since 1998 that all officials involved in talks sat together.

Situation along the Blue Line on the northern border

My delegation wishes to underscore the importance of fully implementing Security Council resolution 1701 (2006), which changed the reality on the ground following the 2006 Second Lebanon War. The full implementation of resolution 1701 (2006) has serious implications for the security and stability of the region, which was underscored in the latest report of the Secretary-General on the implementation of resolution 1701 (2006) (S/2008/135). To this effect, my delegation hopes that the international community will continue to press for the full implementation of resolution 1701 (2006), and that the members of the Council will consider the report's severe findings during its deliberations. The full implementation of resolution 1701 (2006) must remain a priority issue.

Yet while efforts to fully implement resolution 1701 (2006) continue, the situation along the Blue Line remains precarious. Here, I wish to refer to three core areas:

1. **Arms embargo:** Weapons continue to be transferred through the porous Syrian-Lebanese border, in violation of the arms embargo. The aforementioned report of the Secretary-General expressed concern "about ongoing reports and Hizbullah public statements that point to breaches of the arms embargo. ... All Member States in the region, in particular the

Syrian Arab Republic and the Islamic Republic of Iran, have a key responsibility in this regard. Such violations risk further destabilizing Lebanon and the whole region".

2. **Rearming of Hizbullah:** Moreover, some of these weapons are destined for areas south of the Litani River, where a rearmed Hizbullah maintains a formidable presence. As the same report noted, "Hizbullah has adapted its weaponry and tactics so as to take into account the UNIFIL presence south of the Litani River". Hizbullah is also active north of the Litani River.
3. **The two abducted Israeli soldiers:** Udi Goldwasser and Eldad Regev, kidnapped on 12 July 2006 by Hizbullah, remain held by their captors, without any sign of life given or visit by the Red Cross. Resolution 1701 (2006) is explicit in its call for the unconditional release of the Israeli soldiers, and my delegation continues to call on the Council to implement these provisions, without delay.

Israel also welcomes the efforts to demarcate the Blue Line, as well as the continuation of tripartite meetings held between the Lebanese Army, IDF and UNIFIL.

During a 10 January 2008 interview on Channel NTV, Hizbullah leader Hassan Nasrallah made clear that his terrorist organization has upgraded its military capabilities. "When I said to the Israelis that we can hit any target in occupied Palestine, I did not try to fool anybody. I am not simply carrying out psychological warfare. I am saying to the Israelis that the war will be costly", he said. The evidence on the ground, as demonstrated in the above details, and the confirmation of those activities by Hizbullah underscore the urgent need to fully implement resolution 1701 (2006).

I should be grateful if you would circulate the contents of this letter as a document to the members of the Security Council.

(Signed) Dan Gillerman
Ambassador
Permanent Representative

**Security Council**

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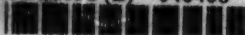
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Letter dated 17 March 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Regarding the discussions in the Security Council at its 5848th and 5853rd meetings, on 3 and 17 March 2008, respectively, I have the honour to bring to your attention the points contained in the annex to the present letter. I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad Khazaee
Ambassador
Permanent Representative

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Annex to the letter dated 17 March 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

The international community has been once again witnessing that the credibility of the Security Council, whose primary responsibility is to maintain international peace and security, is readily downgraded to a mere tool of the national foreign policy of just a few countries. The Council has been once more pushed to take unlawful action against a proud and resolute nation merely because that nation is defending its legal and inalienable rights enshrined in international instruments.

The more recent action of some members of the Security Council against Iran's peaceful nuclear program, along with the measures taken in this regard in the past, do not meet the minimum standards of legitimacy and legality for the following reasons:

1. Iran's peaceful nuclear program was brought to the Security Council in violation of the Agency's Statute. Iran had not violated, and therefore had not been in non-compliance with its NPT comprehensive safeguards agreement. Iran had signed the Additional Protocol in 2003 and began its voluntary implementation then, which continued for two and a half years, and thus had not been supposed to implement its provisions prior to 2003. Our country accepted the modified code 3.1 of the Subsidiary Arrangement in 2003 and had no obligation to it (to inform about nuclear installations) prior to that date. Therefore Iran was only obliged, according to the Comprehensive Safeguards Agreement (INFCIRC/153), to inform the IAEA 180 days prior to feeding nuclear material into facilities. We informed the IAEA about the Uranium Conversion Facility (UCF) by inviting the Agency's Director General in the year 2000, that is, 4 years prior to its operation in 2004, and also 4 years before Iran was obliged to do so.

2. Iran's nuclear program has been, is, and will remain absolutely peaceful and in no way poses any threat to international peace and security, and thus does not fall within the purview of the Security Council. There is solid evidence and there are concrete arguments attesting to the exclusively peaceful nature of Iran's nuclear program. In this regard:

- A. The peaceful nature of Iran's nuclear program has been confirmed by each and every IAEA report in the past several years, including the most recent one that clearly stresses that "the Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. Iran has provided the Agency with access to declared nuclear material and has provided the required nuclear material accountancy reports."¹ As the latest example, the IAEA report of 22 February 2008 clearly attests to the exclusively peaceful nature of the nuclear program of the Islamic Republic of Iran, both in the past and at present, and serves to strongly and unambiguously support our country's long-standing position that the allegations raised by few states against the peaceful nuclear program of

¹ Please see the latest IAEA report (GOV/2008/4) and all the previous ones in the last several years in all of which this conclusion has been made.

the Islamic Republic of Iran have been entirely groundless. In the Work Plan, concluded between Iran and the IAEA in August 2007, it has also been emphasized that "the IAEA has been able to verify the non-diversion of the declared nuclear materials at the enrichment facilities in Iran and has therefore concluded that it remains in peaceful use."²

B. On the basis of ideological and strategic grounds, Iran categorically rejects the development, stockpiling and use of nuclear weapons as well as all other weapons of mass destruction. This fundamental position has been reiterated by every senior Iranian official on numerous occasions. The Supreme Leader of the Islamic Republic of Iran has unequivocally stressed this position before, through a religious verdict, a fatwa, and once again reiterated the same principled position during Mr. ElBaradei's recent visit to Tehran.³ Also, the President of the Islamic Republic of Iran has emphasized repeatedly that Iran's nuclear program has been and will remain absolutely peaceful and that Iran is a leading country in international efforts to oppose nuclear weapons and all other weapons of mass destruction.

C. The IAEA Director General has stressed in his various statements that "the Agency does not have any data or evidence indicating that Iran is trying to develop nuclear weapons."⁴ He has also said "there is no evidence Iran's enrichment of uranium is intended for a military nuclear program."⁵ In the wake of the U.S. NIE report – which reversed many of its previous baseless allegations against Iran's nuclear program – the IAEA Director General stressed that Iran has been "vindicated in saying it has not been working on a weapons program".⁶

3. In addition, the Security Council's actions are unjustifiable because the main pretext on the basis of which the consideration of Iran's peaceful nuclear program was imposed on the Security Council, namely the outstanding issues, are now resolved and closed. The co-sponsors of the most recent resolution had argued in the past that Iran's peaceful nuclear program should be dealt with by the Security Council due to unresolved outstanding questions. In order not to leave any stone unturned in its cooperation with the agency and to remove this much ballyhooed, yet baseless pretext, Iran agreed to work with the Agency on a Work Plan to address and resolve the outstanding issues. In this regard, the text of the "Understandings of the Islamic Republic of Iran and the IAEA on the Modalities of Resolution of the Outstanding Issues" was negotiated and finally concluded in August 2007.⁷

The conclusion of the Work Plan, which was described as "a significant step forward" by the IAEA Director General, was an essential turning point in our cooperation with the Agency. The same co-sponsors of the recent Security Council resolution against Iran's

² INFCIRC/711.

³ http://english.khamenei.ir/index.php?option=com_content&task=view&id=200&Itemid=30.

⁴ Mr. ElBaradei's interview with an Argentinean newspaper on 29 November 2007. Also see International Herald Tribune, October 28, 2007.

⁵ CNN, Late Edition, 28 October 2007.

⁶ BBC news, 6 December 2007.

⁷ INFCIRC/711.

peaceful nuclear program first cynically tried to overshadow the importance of the said Work Plan and when they failed to do so, spared no efforts to create all kinds of problems to hamper its successful implementation and, not least, strived to politicize the trend to the extent possible. The statements of the IAEA officials, who had rightly complained that "the US is mounting a deliberate campaign to derail Iranian-IAEA rapprochement"⁸ was noteworthy in this regard. Those few countries have pursued their politically-motivated agenda regardless of Iran's cooperation with the IAEA and the latter's report on such cooperation. Indeed, their unwarranted efforts to put the Agency and its officials under pressure and to influence its reports are well known and need no elaboration.

Despite all these negative policies and practices on the part of the said countries, we resolutely implemented the work plan in a sincere and serious manner. Even certain outstanding issues were addressed and resolved by Iran while negotiations were still ongoing on the contents of the Work Plan. For instance, on 20 August 2007, well before the conclusion of the Work Plan, the Agency, with regard to plutonium issue, stated that "earlier statements made by Iran are consistent with the Agency's findings, and thus this matter is resolved".⁹ Moreover, the Agency's report on 15 November 2007 stressed on the resolution of most of the outstanding issues, and finally the latest report of the Agency circulated on 22 February 2008 clearly declared the resolution and closure of all outstanding issues and emphasized, in its paragraph 53, that "the Agency has been able to conclude that answers provided by Iran, in accordance with the Work Plan, are consistent with its findings"¹⁰ and "considers those questions no longer outstanding."¹¹ Additionally, the IAEA Director General declared the resolution of all outstanding issues in his remarks after the release of the report and said: "we have managed to clarify all the remaining outstanding issues, including the most important issue, which is the scope and nature of Iran's enrichment program."¹² While it was estimated that at least 18 months would be needed for the Work Plan to be implemented, Iran's unwavering and full cooperation with the Agency made it possible for the Work Plan to be implemented in less than 6 months.

It is worth mentioning that while based on the initial agreement with the Agency we were only supposed to address the past remaining issues, nevertheless, as a sign of good will and in line with its robust cooperation with the IAEA, the Islamic Republic of Iran considered the present issues as well. As a result, two important legal documents, i.e. "Safeguards Approach Document" and "Facility Attachment" for Fuel Enrichment Plant (FEP) in Natanz were negotiated, concluded, and finally put into force on 30 September 2007. Accordingly, the implementation of these documents has provided necessary assurances for the verification of enrichment activities in Iran for the present time and in the future.

By resolving the outstanding issues with regard to its past activities, on the one hand; and conducting all its present activities, including the enrichment, under the full and

⁸ Reuters, Friday Sep 7, 2007.

⁹ <http://uk.reuters.com/article/oilRpt/idUKL0787686020070907?pageNumber=1>.

¹⁰ INFCIRC/711.

¹¹ GOV/2008/4.

¹² Ibid.

¹³ <http://www.iaea.org/NewsCenter/Transcripts/2008/transacr220208.htm>.

continuous monitoring of the Agency based on the IAEA Statute, the NPT and the comprehensive safeguards agreement, on the other, the Islamic Republic of Iran has removed any so-called "concerns" or "ambiguities" with regard to its peaceful nuclear activities in the past and at present.

Now that the work plan has been fully implemented and the outstanding issues have been resolved, there exists no justification for the continuation of the politically-motivated and misleading call of "lack of confidence" by a few countries, countries whose number hardly amounts to 4 among 192 member states of the United Nations but always mischievously self-proclaim themselves to be speaking on behalf of the international community, or "the whole world".

Indeed, those who did not want to allow the Agency to discharge its technical duties spared no efforts to undermine the momentum generated by the conclusion and implementation of the Work Plan, and in this regard resorted to a systematic and relentless campaign of false claims, propaganda, intimidation, and pressure aimed at the Agency, its Director-General, some members of the Security Council and the Work Plan. This unhealthy and ill-intended campaign had prompted a senior official of the IAEA to stress that "Since 2002, pretty much all the intelligence that's come to us [from the US] has proved to be wrong".¹³ The so-called "alleged studies" issue is an example of such a fabrication and misinformation campaign.

While the said baseless allegation, namely the "alleged studies", had not been an outstanding issue between Iran and the IAEA, a well-organized and pre-planned propaganda campaign began even before the release of the latest IAEA report in order to eclipse the landmark accomplishment that Iran has made in its cooperation with the Agency in resolving the outstanding issues. As it is stressed in the work plan "Iran reiterated that it considers the alleged studies as politically motivated and baseless allegations... [but] as a sign of good-will and cooperation with the Agency, [stated that] upon receiving all related documents will review and inform the Agency of its assessment."¹⁴

The IAEA reports, particularly the most recent one, together with the statements of the Agency officials, clearly indicate that the Iranian nation is committed to its international obligations and at the same time persistent in pursuing and exercising its legal and inalienable rights. The recent IAEA report clearly stresses that Iran's cooperation with the IAEA has been far beyond its treaty obligations and has been proactive. It points out in paragraph 55 that "the Agency has recently received from Iran additional information similar to that which Iran had previously provided pursuant to the Additional Protocol, as well as updated design information. As a result, the Agency's knowledge about Iran's current declared nuclear program has become clearer."¹⁵

The IAEA Director General yet again stressed Iran's robust cooperation with the Agency in his remarks after the release of the report by saying that "Iran in the last few months

¹³ LA Times, February 25, 2007.

¹⁴ INFCIRC/711.

¹⁵ GOV/2008/4 para 55.

has provided us with visits to many places that enable us to have a clearer picture of Iran's current program."¹⁶ In its latest report, the Agency has also stressed in several instances, including in paragraphs 11, 18, 24, 34 and 53, the conclusion that "Iran's statements are consistent with other information available to the Agency" or "are not inconsistent with its findings".¹⁷

Undoubtedly, the full implementation of the work plan and, thus, resolution and closure of the outstanding issues have eliminated the most basic pretexts and allegations on the basis of which Iran's peaceful nuclear program was referred to the Security Council. The Security Council's involvement and the actions it has taken so far in this regard have been unwarranted and unconstructive and have only damaged the credibility of the IAEA. Iran's peaceful nuclear program should be dealt with solely by the Agency. I wish to draw your attention to this very important point that based on the very last paragraph of the Work Plan, "the Agency and Iran agreed that after the implementation of the work plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner."¹⁸ Therefore, the consideration of Iran's peaceful nuclear program in no way falls within the purview of the Security Council. In fact, based on the IAEA reports and as a result of Iran's cooperation and the closure of the outstanding issues, the illegality of the actions of the Council against Iran's peaceful nuclear program have become more abundantly clear.

Much has been said about "suspension". Iran cannot and will not accept a requirement which is legally defective and politically coercive. History tells us that no amount of pressure, intimidation and threat will be able to coerce our nation to give up its basic and legal rights. We have never attempted to impose our will on others; equally, we will never allow others to impose their unjust demands on us. We do not consider this call for suspension legitimate for, among others, the following reasons:

1. As we have stressed over and over again, no government is prepared to compromise the exercising of the inalienable rights of its nation. Any demand from a nation to do so would be politically incorrect and legally flawed.
2. Neither in the IAEA's Statute nor in the NPT-safeguards, nor even in the Additional Protocol, "enrichment" and "reprocessing" are prohibited or restricted. There is even no limit for the level of enrichment in the said documents.
3. In all resolutions of the Board of Governors of the IAEA, "suspension" was considered as a "non-legally binding, voluntary, and confidence building measure".
4. Suspension was in place for more than two years and the IAEA, in each and every report from November 2003 to February 2006, repeatedly verified that Iran fully suspended what it had agreed to suspend. During this period, it became clear that those insisting on suspension were indeed aiming to prolong and ultimately perpetuate it, and consequently deprive the Iranian nation from exercising its inalienable rights.

¹⁶ <http://www.iaea.org/NewsCenter/News/2008/iranreport0208.html>.

¹⁷ GOV/2008/4.

¹⁸ Last paragraph of the Work Plan. Please see INFCIRC/711.

5. The attempt to make the suspension mandatory through the Security Council has been, from the outset, against the fundamental principles of international law, the Non-Proliferation Treaty and IAEA Board resolutions. The Security Council resolutions, which made the suspension mandatory, also flout the stated position of the overwhelming majority of the international community.¹⁹
6. Unquestionably, with resolving the outstanding issues, with the IAEA's repeated conclusions of "non-diversion" in Iran's nuclear activities, and with Iran's nuclear activities under the full and continuous monitoring of the Agency, there remains no pretext for the illegal request for suspension.
7. The Security Council's decision to coerce Iran into suspension of its peaceful nuclear program is also against the provisions of the UN Charter. The Security Council can not coerce countries into submitting either to its decisions taken in bad faith or to its demands negating the fundamental purposes and principles of the UN Charter.
8. We need to enrich uranium to provide fuel for the nuclear reactors that we are either building or planning to build in order to meet the growing needs of our country for energy. There have never been guarantees that our needs for fuel will be completely provided by foreign sources. No country, particularly our nation which has a bitter memory of unilateral termination of valid agreements on the part of foreign countries in this regard, can solely rely on others to provide it with the technology and materials that are becoming so vital for its development and for the welfare of its people. It is worth mentioning that there is no single document as "Legally Binding International Instrument for Assurance of Nuclear Supply" to guarantee the fuel for nuclear power plants. It may be recalled that in 1987, the Committee on Assurances of Supply (CAS) of the IAEA failed, after 7 years of negotiations.

The Security Council made another unjust and irrational decision on Iran's peaceful nuclear program recently. History will ultimately render its judgment over the behavior of the Council. Even regardless of the Council's unfair actions towards Iran, as the representative of a founding member of this Organization, I wish to express our grave

¹⁹ In referring to Iran's peaceful nuclear programme in September 2006, the 118 NAM Heads of States and Governments also emphasized on "the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues", and believed that "such voluntary undertakings are not legal safeguards obligations." A/61/472-S/2006/780. Representatives of the member countries of the Non-Aligned Movement in Vienna reiterated the same positions in their statement last week and also welcomed the closure of outstanding issues by adding that "NAM is very pleased to note that, as a result of the joint endeavours of the IAEA Secretariat and Iran, significant achievements have been made in the implementation of the Work Plan. Taking into account the Director General's Report to the Board of Governors and also the results reported by the Secretariat on this issue to the September and November 2007 sessions of the Board, NAM notes with satisfaction that all the six "outstanding issues", reflected in the paragraphs 1.2 and 11 of the Work Plan, have been resolved. NAM expresses its appreciation for the proactive cooperation of the Islamic Republic of Iran with the Agency in the implementation of the agreed Work Plan that concluded these outstanding issues in a shorter time than it has been originally planned. NAM welcomes this substantive progress and expects that the safeguards implementation in Iran shall be conducted in a routine manner."

concern and dismay regarding the path that the Security Council has chosen and pursued. We all know that the United Nations has been established as a universal organization to address international problems, and to defend the rights of its member states in this shrinking world. The Security Council should be inherently and meaningfully "a Council for security"--a body that is entrusted with the important task of maintaining international peace and security. It should be a secure and safe place where the rights of nations not only are not violated, but are fully respected. Can one claim that the Council has performed its immense duty in good faith and as requested by the Charter? The answer is not definitely affirmative. Surely, the overwhelming majority of the members of the Organization are seriously concerned about the behavior of the Council that has extensively undermined its integrity and credibility.

A question to ponder is how will the nations' memory recall the behavior of this important organ? A question arises as to why, after all the crimes of the Zionist regime in the Palestinian territories that have shocked the whole world and have been described *inter alia* as ethnic cleansing, genocide and war crimes by the international community, the Council has failed to take any effective measures to put an end to these crimes? Why the Council has failed to issue a simple press statement nor has it been able to pay even a lip-service to the issue of Palestinian sufferings in view of the daily Israeli atrocities in the Palestinian territories, particularly in Gaza, that have led to the killing and wounding of hundreds of innocent Palestinian people in the past several weeks? Undoubtedly, the Security Council's previous inactions and silence towards the abhorrent crimes of the Zionist regime have resulted in the recent holocaust that has been going on in the Gaza Strip by the said regime.

The people of Iran will never forget the inaction of the Security Council with regard to Saddam Hussein's invasion of Iran in 22 September 1980--the invasion that resulted in an eight long year imposed war against Iran with unspeakable sufferings and losses for our nation. This act of aggression did not trouble the same permanent members of the Council, who have pushed the Council to adopt unwarranted resolutions against Iran's peaceful nuclear program, to consider it a threat against international peace and security, or even to make the routine call for a cease-fire and withdrawal of the invading forces. Nor did the Security Council, for several years, bother to deal with the use of chemical weapons by the former Iraqi dictator against Iranian civilians and military personnel as well as Iraqi Kurds particularly in Halabcheh--chemical weapons that were provided to Saddam Hussein by some of the supporters and sponsors of the said resolutions. No amount of explanation would be able to describe the disastrous consequences of these unacceptable behaviors of the Security Council. Indeed, these are not the only examples that the Council, due to its inherent deficiencies and due to its structural problems and voting mechanism, has been unable to discharge its responsibilities. That is why the overwhelming majority of the UN member states believe that this Council should be overhauled.

The Council's credibility has been further damaged after the adoption of its most recent resolution against Iran's peaceful nuclear program. The said resolution was adopted because of the political motives of a few countries--political motives that have prevented the Council from heeding the judgment of a technical body of the United Nations, namely, the IAEA. While the IAEA clearly acknowledges that Iran's nuclear program is

peaceful and all the outstanding issues have been resolved, some countries deliberately tried to undermine the work of the agency that is part of the United Nations. It therefore appears that the Security Council attaches no value even to other UN institutions and bodies. It is, therefore, no wonder that the Security Council, which has repeatedly encroached on the mandates and authorities of other UN bodies, can not be trusted to respect the views and judgments of other United Nations agencies.

The Council's behavior in undermining the credibility and integrity of the Agency will only serve the interests of those who prefer to ignore the IAEA, such as the Israeli regime that, with hundreds of nuclear warheads in its possession, poses the most serious threat to international and regional peace and security. It will also serve the interests of those who have never wished for an Agency that is strong and that is independent and impartial. This is truly a serious question.

Is it not time for the Council to respect the judgment of an institution that is part of the UN system? Or to respect the legitimate rights of a great nation with a long history of civilization and peaceful coexistence with other nations? A right that has been recognized by international law and its exercising poses no threat to international peace and security.

What the Islamic Republic of Iran is pursuing is the exercising of its rights in accordance with the NPT and under the supervision of the IAEA, and nothing more. Is this an illegitimate demand? Is this justice to punish a nation that behaves according to the rules and regulations?

The future security of the world depends on how the United Nations, and especially the Security Council, will function in a just and impartial manner.

In reality, peoples across the globe have now lost their trust in the Security Council and consider the actions of the Council as the results of political pressure exerted by a few powers to advance their own agendas. This is a compelling issue that the Council must address in order to restore its credibility.

In view of all these facts and realities, this legitimate question arises that: Can the Security Council still be known as a "Council for security"? And, can it be regarded as an impartial and credible organ of the United Nations?

I leave that judgment to the esteemed members of the United Nations and all fair-minded people around the world.



General Assembly Security Council

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**General Assembly
Sixty-second session
Agenda item 20**

Security Council Sixty-third year

The situation in the occupied territories of Azerbaijan

Letter dated 19 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the note by the Ministry of Foreign Affairs of the Republic of Azerbaijan addressed to the Ministry of Foreign Affairs of the French Republic, the Ministry of Foreign Affairs of the Russian Federation and the Department of State of the United States of America, the countries co-chairing the Organization for Security and Cooperation in Europe Minsk Group (see annex).

I should be grateful if the present letter and the note were distributed as a document of the General Assembly, under agenda item 20, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative

Annex to the letter dated 19 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Note dated 19 March 2008 by the Ministry of Foreign Affairs of the Republic of Azerbaijan

The Ministry of Foreign Affairs of the Republic of Azerbaijan presents its compliments to the Ministry of Foreign Affairs of the French Republic, the Ministry of Foreign Affairs of the Russian Federation and the State Department of the United States of America and, with reference to the information published on the official website of the Ministry of Foreign Affairs of the Russian Federation and statements delivered by the Co-Chairmen of the OSCE Minsk Group and their high representatives accredited to Azerbaijan, which interpreted resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan", adopted by the General Assembly on 14 March 2008, as one-sided and non-balanced, claimed that Azerbaijan allegedly rejected the proposals of the Co-Chairmen and failed to insert into the resolution a provision on "definition of status of the Nagorno-Karabakh region through conducting the plebiscite of its population", has the honour to convey the following.

With regard to the allegations that the resolution is one-sided and non-balanced, the Ministry would like to stress that the resolution is built on the principles and norms of international law and relevant resolutions of the United Nations Security Council, which have defined a common denominator for the settlement of the conflict in and around the Nagorno-Karabakh region of Azerbaijan in accordance with the principles of respect for the territorial integrity of Azerbaijan and inadmissibility of unilateral secession from the state boundaries.

Accordingly, General Assembly resolution 62/243 reaffirms the continued respect and support of the Assembly for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders.

Rightfully, the resolution demands the withdrawal of Armenian troops from all the occupied territories of Azerbaijan, reaffirms the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to their homes, and stresses the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict-affected territories.

A subject of extreme importance is the return of the Azerbaijani community to the Nagorno-Karabakh region of Azerbaijan, which is a basic condition for further definition of status of the region.

All the elements cannot be considered as one-sided since they are based on principles and norms of international law, necessary for creating objective conditions for definition of the status of the region, and are in compliance with the concept of the settlement, adherence to which has been stressed by the Co-Chairmen on a number of occasions. These principles of the settlement were completely justifiably introduced into the resolution.

Proceeding from the principles and norms of international law, the Azerbaijani side indicated that the territorial integrity of Azerbaijan, as a basis of the settlement of the conflict, is the only alternative.

It should be stressed that, based on international law, realization of the right to self-determination shall be carried out in accordance with the principle of territorial integrity and must not violate it.

Self-determination shall not be construed or considered as a right to secession since, on the one hand, it shall not undermine territorial integrity and, on the other, secession may not be based on a unilateral decision. The Azerbaijani side has not given its consent for secession of any part of the territory of the Republic of Azerbaijan, including the Nagorno-Karabakh region, and does not and will not give it.

By virtue of the official statements made in the course of the formal meetings in Baku, the Co-Chairmen of the OSCE Minsk Group have expressed their adherence to a solution of the status issue at the level of self-rule within the Republic of Azerbaijan. This, on one side, corresponds to the principle of respect for the territorial integrity of the state and, on the other, is the realization of the mechanism of self-determination.

Namely, this approach was chosen as a basis for the principles of settlement of the conflict declared at the OSCE Lisbon Summit in 1996.

In accordance with the norms and principles of international law, the 1975 Final Act of the Helsinki Conference on Security and Cooperation in Europe, which should form the basis of the Co-Chairs' draft basic principles on settlement of the conflict, and with the assurances made by the mediators to the Azerbaijani side, the adopted resolution included the element of definition of status on the level of self-rule within the Republic of Azerbaijan.

The Ministry would like to respond to the statement by the Co-Chairmen that Azerbaijan should have included in the resolution a reference to the so-called plebiscite, which is allegedly presented as a principle of the settlement. The Co-Chairmen are well aware of the fact that the Azerbaijani side has not given its consent to their proposal on conducting a plebiscite or referendum. Co-Chairs are informed that the Azerbaijani side will not allow conduct of any voting until, firstly, the Azerbaijani community returns to the Nagorno-Karabakh region; secondly, equal conditions are established for participation of both the Azerbaijani and Armenian communities in the legal and democratic process of definition of status; and finally, thirdly, the status of the region shall be considered and enjoy the approval of the entire population of Azerbaijan. Therefore, reference by the Co-Chairs to the proposal on a so-called plebiscite, which was already rejected by the Azerbaijani side as one of the principles of the settlement, as the one that should have been included in the resolution, has no ground.

The Ministry is of the view that the OSCE Minsk Group Co-Chairmen exploit their position of mediators when they introduce the provisions which are contradicting the norms and principles of international law, in particular the principle of territorial integrity of the state, as well as when they make public statements based on false assumptions, which lead the international community astray.

The Azerbaijani side draws attention to the fact that the Co-Chairmen do not propose in their draft basic principles measures for guaranteed complete liberation of all occupied territories of Azerbaijan, return of the Azerbaijani population to the Nagorno-Karabakh region, ensuring equal rights of both communities of the region and solution of the issue of transport corridors with due regard to the necessity of restoring the territorial integrity of Azerbaijan and providing evenly balanced opportunities for the sides to use transport communications. Against this background, the draft basic principles can hardly be considered a balanced package.

The Azerbaijani side has continuously drawn the attention of the Co-Chairs to the shortcomings in the draft basic principles, and on numerous occasions presented its analyses, comments and proposals on the draft.

The statements by Co-Chairs that the Azerbaijani side allegedly did not discuss with them and the Armenian side the draft resolution and did not accept their proposals look somewhat awkward. The Azerbaijani side remembers when in 2006 Azerbaijan, acting in the spirit of compromise, agreed to revise the General Assembly draft resolution submitted under the same agenda item on the issue of fires in the occupied territories of Azerbaijan in order to accommodate the concerns of Armenia. As a result of consultations, at the price of serious compromises on the draft, the consent of the Armenian side was received. Despite this fact, right after adoption of the resolution by the Assembly without a vote, the Armenian side disassociated itself from it. Against this background, what else could have been expected from the Armenian side in the case of the present resolution, which is related to the principled basis of the settlement process? Moreover, the Permanent Representative of Armenia to the United Nations, in his letter distributed in response to the draft resolution submitted by Azerbaijan, indicated that "No amount of editing or collaborating will make it acceptable" to Armenia.

As for the Co-Chairmen, the Azerbaijani side informed them well in advance about the draft resolution being prepared. They had enough information on the essence of the draft. They were aware that the Azerbaijani side, in order to get the support of the Co-Chairs for the draft resolution, was ready to consider their drafting suggestions. The proposals put forward by the Co-Chairs seriously infringed upon the territorial integrity of Azerbaijan and created conditions for consolidating the results of the ethnic cleansing carried out against the Azerbaijani population in the Nagorno-Karabakh region. Azerbaijan informed the Co-Chairs about the unacceptable nature of their proposals, and necessary clarifications were made to that end. Moreover, the Azerbaijani side responded with the maximum possible constructive suggestions, but they were not accepted for unknown reasons, and the draft resolution was put to a vote in the Assembly in its original version.

Against the above-mentioned background created by the Co-Chairmen, under the conditions of deliberate ignorance of the norms and principles of international law by the Co-Chairmen, their attempt to limit it just to a formal short reference in the draft basic principles, within the context of a public campaign launched by the Co-Chairmen with a view to persuading the international community that the draft basic principles are almost agreed, whereas in reality disagreements and contradictions prevail in there, Azerbaijan submitted the draft resolution to the General Assembly and received the Assembly's support and guidance.

Further statements by the Co-Chairmen, which followed the adoption of the resolution, prompted Azerbaijan to respond with this note.

In their search for a solution, the Co-Chairmen overexploited the possibilities for compromise and flexibility, stepping beyond the frameworks of the territorial integrity of the Republic of Azerbaijan and running contrary to international law, whereas compromises should be based on the principles and norms of international law.

The Azerbaijani side demands that the Co-Chairmen stop disseminating information and assessments of the position of Azerbaijan which are contrary to reality.

The Ministry calls on the Co-Chairmen to review the draft basic principles, taking due account of the comments and proposals presented by the Azerbaijani side in January of this year and in accordance with General Assembly resolution 62/243 as well as the present note.

**General Assembly
Security Council**

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General Assembly
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Item 10
Report of the Peacebuilding Commission

Security Council
Sixty-third year

**Letter dated 20 March 2008 from the Chairperson of the
Peacebuilding Commission and the Chairperson of the Burundi
configuration of the Peacebuilding Commission to the President
of the General Assembly, the President of the Security Council
and the President of the Economic and Social Council**

We have the honour to refer to the conclusions and recommendations of the Peacebuilding Commission on the situation in Burundi (PBC/2/BDI/7) developed by the Burundi configuration of the Peacebuilding Commission.

The Burundi configuration of the Peacebuilding Commission adopted those conclusions and recommendations at its formal meeting, held on 20 March 2008, following the participation of the Chairperson of the Burundi configuration in a meeting of special representatives and special envoys on Burundi convened by the Government of South Africa in Cape Town on 22 and 23 February 2008 to discuss the Programme of Action to Take Further the Burundi Peace Process.

(Signed) Yukio Takasu
Chairperson
Peacebuilding Commission

(Signed) Johan L. Løvald
Chairperson
Burundi Configuration
Peacebuilding Commission



**Security Council**

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Letter dated 21 March 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I am duty bound to inform you by the present letter that the authorities of my country categorically deny the information contained in the letter dated 19 March 2008 which was sent to you by the Permanent Representative of the Sudan to the United Nations. The Chadian authorities also regret such premeditated disinformation which is intended to undermine the implementation of the agreement recently signed in Dakar and to serve as a pretext for the Sudanese Government to make an immediate start on yet another aggression against Chad.

According to information received by the authorities of my country, intensive preparations are currently being made to revitalize heavily rearmed groups supported by the Janjaweed to engage once more in acts to destabilize and overthrow the legitimate authorities of Chad, acts of which Chad has already complained on many recent occasions. Any attempt today to convince international opinion that Chad is violating the agreements and committing aggression against the Sudan is nothing more than deceitful. That is far from being the case: Chad is displaying goodwill and a sincere desire for the effective implementation of the agreements signed, including the Dakar agreement, in order to bring about real peace between the two neighbouring and fraternal countries.

Lastly, while recalling its respective letters of December 2007 and January 2008 concerning the unfortunate and troubling setbacks experienced by my country since December 2005, my Government wishes formally to deny all the Sudanese accusations and to reconfirm its respect for all the commitments entered into to restore peace and security between our two fraternal countries, and in the interest of the subregion.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mahamat Ali Adoum
Ambassador
Permanent Representative

